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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,551

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Michael Foster

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EXAMINER

MCLEOD, MARSHALL M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,551	Applicant(s) FOSTER ET AL.	
	Examiner MARSHALL MCLEOD	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9,12-15,17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9,12-15,17 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action has been issued in response to amendment filed 12 January 2009.

Claims 1, 4-7, 9, 12-15, 17 and 20-22 are pending and claims 2, 3, 8, 10, 11, 16, 18, 19, and 23 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 9 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With respect to claims 1, 9 and 17 (lines 13-17), “wherein said previously identified content source comprises a first media clip from which said current media multimedia content is accessed for streaming and the particular content source comprises a second media clip from which said different digital multimedia content is accessed for streaming, wherein the first media clip includes different multimedia content than the second media clip” is indefinite. It is unclear whether the “previously identified content source” is the same as the “particular content source”. It is also unclear whether the “previously identified content source” comprises both the first and the second media clip. Appropriate clarification is required.

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Further, with respect to claims 1, 9 and 17 (line 6), “. . . transferring different digital multimedia content . . .” is indefinite. It is unclear what constitutes “different” content, it is also unclear whether that content is being generated at the same source and being transferred at the same time or before or after the so called other or non “different” digital multimedia content. Appropriate clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 5-7, 9, 12-15, 17 and 20-22 are a rejected under 35 U.S.C. 103(a) as being unpatentable over del Val et al. (Patent No US 6,763,392 B1), hereinafter del Val, in view of Deshpande (Patent No US 2005/0071881).**

7. With respect to claims 1, 9 and 17 del Val discloses a method for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45), comprising: generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50); and transferring different digital multimedia content to said digital multimedia device by

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said network node from a particular content source (Column 7, lines 41-50), said transferring commencing at a time determined responsive to said indication of said activation time (Column 5, lines 63-67 and continued through to Column 6, lines 1-2).

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value; playlist identifier and said media clip index, wherein said message is generated in response to the client application generating a SWITCH message while said network node is streaming current digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a first media clip from which said current media multimedia content is accessed for streaming and the particular content source comprises a second media clip from which said different digital multimedia content is accessed for streaming, wherein the first media clip includes different multimedia content than the second media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Deshpande discloses a message containing at least one of a playlist identifier, a media clip index and a clip offset ([0021], lines 2-5; which discloses “generating display instructions” which the examiner interpreted to mean “message” that contains information about and for the playlist; AND [0004], lines 1-5) as well as an indication of an activation time corresponding to an END OF CLIP value ([0075], lines 1-10); wherein said message is generated in response to

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the client application generating a SWITCH message while said network node is streaming current digital multimedia content to said digital multimedia device from a previously identified content source (Page 8, [0107]; which discloses . . . client sends an RTSP PLAY request to the server 104 with the $npt=St2-Et2$ for the video segment S2 at npt time $Et1-D1$ with respect to the video segment S1 timeline . . . so that the video playback for S2 can start at $Et1$; which the examiner interprets as SWITCH streams once stream one is finished playing), wherein said previously identified content source comprises a first media clip from which said current media multimedia content is accessed for streaming and the particular content source comprises a second media clip from which said different digital multimedia content is accessed for streaming, wherein the first media clip includes different multimedia content than the second media clip (Page 8, [0107]; which discloses . . . client sends an RTSP PLAY request to the server 104 with the $npt=St2-Et2$ for the video segment S2 at npt time $Et1-D1$ with respect to the video segment S1 timeline; S1 is a first media clip and S2 is a second different media clip being accessed), wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming (Page 8, [0106], lines 1-5).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of del Val with the teachings of Deshpande in order to improve the quality of service and user experience provided to user's by creating a customizable playlist.

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8. With respect to claims 5, 13 and 21, Desphande discloses wherein said network node returns a Normal Play Time (NPT) value to said client application in response to said RTSP SET__PARAMETER message and wherein the NPT value chronologically corresponds to said activation time (Page 7, [0089]; as disclosed further in the specification [0113] the terms for client and server are interchangeable as they typically share the same components and may even be located within the same structure).

9. With respect to claims 6, 14 and 22, Desphande discloses wherein said digital multimedia device accesses said network node over at least one of a wireline network, a wireless network, and a cable network (Page 3, [0046]).

10. With respect to claims 7 and 14, del Val discloses wherein said digital multimedia device comprises at least one of: digital music players, digital video players, computers, and handheld communication devices enabled to accept streaming media (Column 2, lines 59-67). Desphande also discloses wherein said digital multimedia device comprises at least one of: digital music players, digital video players, computers, and handheld communication devices enabled to accept streaming media (Page 3, [0045]).

11. Claims 4, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over del Val, in view of Deshpande and further in view of Chae et al. (Pub. No US 20060090187 A1), hereinafter Chae.

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12. With respect to claims 4, 12 and 20, neither del Val nor Deshpande discloses wherein said previously identified content source comprises a media clip and said network node terminates streaming from said media clip substantially immediately upon receiving another SET_PARAMETER message from said client application.

However, Chae discloses wherein said previously identified content source comprises a media clip and said network node terminates streaming from said media clip substantially immediately upon receiving another SET_PARAMETER message from said client application (Page 3, [0058]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify combined teachings of del Val and Deshpande with the teachings of Chae in order to improve the user experience by allowing a user to control the stream of the requested media content (i.e. pause, stop, play).

Response to Arguments

13. Applicant's arguments filed 12 January 2009 have been fully considered but they are not persuasive.

14. With respect to applicant's arguments in regards to the use of prior art Schulzrinne and Goldszmidt, the examiner states that applicant's arguments are moot as the examiner no longer relies on the teachings of prior art Schulzrinne and Goldszmidt.

15. With respect to applicant's argument at the bottom of page 9 of the instant argument in regards to prior art Goldszmidt. The examiner states that applicant's argument is moot as the examiner no longer relies on prior art Goldszmidt.

16. With respect to applicant's argument at the bottom of page 10 of the instant argument. Applicant contends that neither del Val nor Schulzrinne nor Goldszmidt discloses, teach or suggest the recited operations and associated limitations of claims 1 and 9. The examiner respectfully disagrees as del Val discloses a method for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45), comprising: generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50); and transferring different digital multimedia content to said digital multimedia device by said network node from a particular content source (Column 7, lines 41-50), said transferring commencing at a time determined responsive to said indication of said activation time (Column 5, lines 63-67 and continued through to Column 6, lines 1-2). Further the examiner would like to refer applicant's to the newly crafted rejections above which addresses applicant's contentions, to their amended claims.

17. With respect to applicant's argument in the middle of page 11 of the instant argument. Applicant contends that neither del Val nor Schulzrinne nor Goldszmidt discloses, teach or suggest the recited operations and associated limitations of claim 17. The examiner respectfully

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disagrees as del Val discloses a method for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45), comprising: generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50); and transferring different digital multimedia content to said digital multimedia device by said network node from a particular content source (Column 7, lines 41-50), said transferring commencing at a time determined responsive to said indication of said activation time (Column 5, lines 63-67 and continued through to Column 6, lines 1-2). Further the examiner would like to refer applicant's to the newly crafted rejections above which addresses applicant's contentions, to their amended claims

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Wang et al. (Pub. No US 2005/0254526 A1), which discloses a system and method for updating a parameter set in streaming applications.
- b. Horn et al. (Pub. No US 2008/0151885 A1), which discloses on demand multi channel streaming over a network.
- c. Wang et al. (Pub. No US 2005/0259947 A1), which discloses a method for quality feedback in a streaming service.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod
Art Unit 2457
3/25/2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457